

Solutions for the Mentally Ill in the Criminal Justice System

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Finding effective strategies for working with mentally ill persons in the criminal justice system is important to me, both personally and professionally.

As a family member of a person who once suffered from depression, I am aware of the stigma of mental illness. It is not a popular subject, but it is one that I am passionate about. As a former trial judge, I saw first hand the effects of mental illness on the legal system. I am extremely concerned about keeping people with mental illness out of jail and diverted into appropriate mental health treatment.

It is the right thing to do as well as a concept whose time has come. The numbers say it all.

- In 1955, there were 558,239 severely mentally ill patients in our nation's public psychiatric hospitals. In 1994, there were 71,619. Based on population growth, at the same per capita utilization as in 1955, estimates are that there would have been 885,010 patients in state hospitals in 1994. E. Fuller Torrey, M.D. in *Out of the Shadows: Confronting America's Mental Illness Crisis*, John Wiley & Sons, New York, 1997, page 8 -9
- Where have these severely mentally ill patients gone? Our jail population of people with mental illness has swelled to 285,000. According to a U.S. Department of Justice July 1999 Report, 16% of state prison inmates and 16% of those in local jails reported either a mental condition or an overnight stay in a mental hospital.
- According to that same study, half of mentally ill inmates reported 3 or more prior sentences. Among the mentally ill, 52% of State prisoners, and 54% of jail inmates reported 3 or more prior sentences to probation or incarceration.
- In fact, according to March 2000 statistics from the Ohio Department of Rehabilitation and Correction, there were 6393 mentally ill inmates, 3051 of who were classified as severely mentally disabled.
- Many of the severely mentally ill who have been released into the community through de-institutionalization, are now part of the 600,000 people in America who are homeless. Of these, it is believed that at least a third are mentally ill. U.S. Department of Health and Human Services, 1992.

A revolving door problem has developed in this country. Jails and prisons have become the de facto mental health system of our day. We must reverse this trend. Over the past few years, innovative diversion programs and other

pioneering efforts across the nation have been successful in attacking this crisis. We must persevere to be able to provide community treatment for this population who were previously “warehoused,” but who now are slipping through the cracks of our safety nets.

If not for altruistic reasons, this charge is crucial in terms of the cost savings to the taxpayer. Mentally ill inmates require far more jail and prison resources due to treatment and crisis intervention. But this revolving door has other costs, too. Taxpayer dollars are paying for police officers to repeatedly arrest, transport and process mentally ill defendants, jail costs associated with treatment and crisis intervention, salaries of judges and court staff, prosecutors and defense attorneys, and many more hidden costs. The question becomes would we rather spend these dollars to keep mentally ill citizens homeless, revolving in and out of our criminal justice system, or would we rather spend these dollars to help them to become stable productive citizens?

To address this problem, we have formed the Ohio Supreme Court Advisory Committee on the Mentally Ill in the Courts, made up of representatives from the Ohio Department of Mental Health, Ohio Department of Alcohol and Drug Addiction Services, the Ohio Department of Rehabilitation and Correction, the Ohio Department of Mental Retardation and Developmental Disabilities, the Ohio Office of Criminal Justice Services, Judges, law enforcement, mediation experts, housing and treatment providers, consumer advocacy groups, and other officials from across the state.

The Advisory Committee is working to establish local task forces in each county to bring similar local representatives together to collaborate and work on the issues of the mentally ill in the criminal justice system. We encourage each county to start a mental health specialty docket to deal with the issues, but have also found that the collaboration that results when all these groups get together goes far beyond the courtroom.

The Advisory Committee provides guidance, resources, materials and information to the local task forces. We provide role models of other successful mental health court dockets, encourage Crisis Intervention Training (CIT) for the police officers who deal with the mentally ill, and pass on grant and other funding opportunities to the task forces.

In the 1800’s, the greatest challenge to the mental health and criminal justice systems was to get the mentally ill out of jails and prisons and into appropriate treatment. Still today, we face the same problem. But by joining forces and working together, we can make a difference.

Evelyn Lundberg Stratton is a Justice of the Ohio Supreme Court. To participate in the mental health initiative spearheaded by Justice Stratton, please call Melissa Knopp, Program Manager for Specialty Dockets at (614) 387-9427.